

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PADEN EL BEY: TIFFANY,
Plaintiff,
v.

Case No. 2:23-cv-00388-APG-EJY

REPORT AND RECOMMENDATION

CANNON DOUGLAS A, *et al.*,
Defendants.

10 On March 13, 2023, Plaintiff filed an application to proceed *in forma pauperis* (“IFP”) and
11 Complaint. ECF Nos. 1, 1-2. On March 16, 2023, the Court denied Plaintiff’s IFP application
12 because it was incomplete. ECF No. 3. The Court ordered Plaintiff to file a complete long form IFP
13 application no later than April 7, 2023. *Id.* at 2. The Court instructed the Clerk of Court to send
14 Plaintiff the approved long form IFP application by a non prisoner, as well as the information and
15 instructions for filing an IFP application. *Id.* at 3. The Court explained that if Plaintiff failed to
16 comply with the Order, it would recommend dismissal of this action without prejudice. *Id.* As of
17 the date of this Recommendation, Plaintiff has not complied with the Court’s Order.

18 Therefore, IT IS HEREBY RECOMMENDED that this matter be dismissed without
19 prejudice for failure to comply with the Court's March 16, 2023 Order.

20 || Dated this 9th day of May, 2023.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also

1 held that (1) failure to file objections within the specified time and (2) failure to properly address
2 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
4 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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